IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 155 of 2004

SMT. MANURI
V/S
LR'S OF SMT. KANWARAEE & ORS

Mr. BV THANVI, for the appellant / petitioner

Mr. CR JAKHAR, for the respondent

Date of Order : 10.10.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The matter was listed in the Court on 21.2.2005, on that day, learned counsel for the appellant submitted that requisites alongwith application for condonation of delay have been put in. Believing that statement, the peremptory order was passed. However, thereafter the Registry found that requisites had not been filed, and therefore, the Dy. Registrar vide order dated 4.3.2005 had ordered the appeal to be dismissed as against respondents No.1/2 to 1/6.

That order has become final.

That being the position, the impugned decree has become final as against respondents No.1/2 to 1/6 , who are the main persons effected and benefited by the impugned decree.

The obvious result is that if the appeal is heard on merits, and if it is allowed, it will give rise to two conflicting decrees, one to be passed against the respondent No.1/1, and other having become final in favour of respondents No.1/2 to 1/6. If such situation results, obvious consequence is that the appeal cannot be said to have remained any more competent.

In that view of the matter, I have no option but to dismiss the appeal in toto.

Accordingly, the appeal is dismissed in toto.

(N P GUPTA),J.

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